

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LORENZO CARL PAYNES,

Plaintiff,

No. CIV S-04-1868 MCE KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action under 42 U.S.C. § 1983.

By an order filed December 30, 2005, this court ordered plaintiff to complete and return to the court, within thirty days, the four USM-285 forms and copies of his May 23, 2005 amended complaint as required to effect service on the defendants. On January 19, 2006, plaintiff submitted the four USM-285 forms and summons but failed to submit complete copies of the May 23, 2005 amended complaint. The copies of the amended complaint were missing exhibits Q through Z. While the court ordered service of these complaints on March 20, 2006, in light of the incomplete nature of the complaints, that order will be vacated.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to provide plaintiff with a copy of the May

23, 2005 amended complaint;

2. Within thirty days, plaintiff shall submit to the court five copies of the May 23, 2005 amended complaint including exhibits Q through Z, as required to effect proper service. Failure to return the copies within the specified time period will result in a recommendation that this action be dismissed;

3. The order of March 20, 2006 directing the U.S. Marshal to serve the complaint is hereby vacated. The court requests the Marshal to retain the summons and USM-285 forms in its files in the event that plaintiff provides complete copies of the complaint; and

4. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal.

DATED: April 24, 2006.


UNITED STATES MAGISTRATE JUDGE

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